Appl. No. 09/910,462
Amdt. dated June 21, 2007
Reply to Office Action of March 9, 2007

PATENT

REMARKS/ARGUMENTS

This Amendment is in response to the Office Action mailed March 6, 2007. Claims 1-5 and 7-12 were pending in the present application. This Amendment does not add, cancel, or amend any claims, leaving pending in the application claims 1-5 and 7-12. Reconsideration of the rejected claims is respectfully requested.

I.   Examiner Interview

A telephone interview was conducted with Examiner Oyebisi on June 15, 2007. The undersigned attorney represented the Applicants in the interview. In the interview, the differences between the claimed invention and the cited art were discussed. The Examiner indicated that the interview was helpful in highlighting the differences, and also indicated that he believed that the claims are sufficient to overcome the rejections, as *Martinez* does not disclose the recited limitations. The Examiner indicated that he would withdraw the present rejections and do a new search in light of his new understanding of the claimed invention. Applicants appreciate the Examiner's help and cooperation. Applicants thus believe that the claims are allowable over the cited art.

II.   Rejection under 35 U.S.C. §102

Claims 1-5 and 7-12 are rejected under 35 U.S.C. §102(b) as being anticipated by *Martinez* (US Patent No. 5,208,446). Applicants respectfully submit, and the Examiner agrees as discussed above, that *Martinez* does not disclose each element of these claims.

For example, as previously stated, Applicants' claim 1 recites a method of delivering at least one item or service from a provider to a receiver, the method comprising:

> **receiving an order** from the receiver for at least one item or service available from the provider and **providing the receiver with an order identifier** in response thereto;
> **obtaining the order identifier from the receiver at a time of delivery;**
> **providing information regarding the order identifier obtained at the time of delivery to a financial processor;**
> in response to the information regarding the order identifier being provided to the financial processor, **providing payment for the at least one item or service from the financial processor to the provider;** and

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**in response to payment being provided to the provider, delivering the at least one
item or service to the receiver**

(*emphasis added*). Such limitations are not disclosed by *Martinez*.

Martinez discloses an apparatus allowing credit card information to be accepted, verified, and processed contemporaneously with the delivery of goods (col. 1, lines 6-35). The apparatus accepts credit information for the recipient and transmits the credit information for approval (col. 2, lines 13-58). This requires the recipient to have credit information, such as a credit or bank guarantee card (col. 1, lines 3543). Further, the approach of *Martinez* requires the recipient to provide this credit information to the delivery person, which some customers might be reluctant to do for reasons such as security and prevention of identity theft.

The invention of Applicants' claim 1, however, does not require that a recipient have credit information (e.g., a credit card) and/or that the recipient provide credit information to the delivery person. As recited in Applicants' claim 1, the intended recipient of an item or service of an order receives an order identifier in response to an order being placed for that item or service. As disclosed in the specification and recited in claim 11, for example, this order identifier can take the form of a reference number, tracking number, authorization number, or purchase order-type document. At substantially the time of delivery, the intended recipient then can simply provide this identifier to the delivery person, and does not have to transfer any credit information to the delivery person. The delivery person then can provide information about the order identifier, such as a purchase order number, to a financial processor (which may have an existing relationship with the intended recipient, for example), which then can indicate that payment is available, has been made, will be made, etc., for the order, whereby the delivery person can deliver the item or service to the intended recipient. *Martinez* does not disclose such limitations, as *Martinez* instead requires the use and providing of credit information for real-time authorization, and does not disclose or suggest an order identifier-based approach. *Martinez* therefore cannot anticipate Applicants' claim 1 or the claims that depend therefrom. Claims 5 and 7 recite elements that similarly are not disclosed by *Martinez* for reasons including those discussed above, such that these claims and the claims that depend therefrom also cannot be

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rendered obvious by *Martinez*. Applicants therefore respectfully request that the rejections with respect to claims 1-5 and 7-10 be withdrawn.
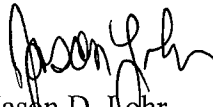
III.   Amendment to the Claims

Unless otherwise specified or addressed in the remarks section, amendments to the claims are made for purposes of clarity, and are not intended to alter the scope of the claims or limit any equivalents thereof. The amendments are supported by the specification and do not add new matter.

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 925-472-5000.

Respectfully submitted,

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